

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BOARD OF TRUSTEES OF THE AFTRA
RETIREMENT FUND, in its capacity as a
fiduciary of the AFTRA Retirement Fund,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

BOARD OF TRUSTEES OF THE IMPERIAL
COUNTY EMPLOYEES' RETIREMENT
SYSTEM, in its capacity as a fiduciary of the
Imperial County Employees' Retirement
System, individually and on behalf of all others
similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

THE INVESTMENT COMMITTEE OF THE
MANHATTAN AND BRONX SURFACE
TRANSIT OPERATING AUTHORITY
PENSION PLAN, in its capacity as a fiduciary
of the MaBSTOA Pension Plan, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

Consolidated as

Civil Action No. 09-00686 (SAS) (DF)

ECF Case

**DECLARATION OF PETER H. LEVAN, JR. IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR
MOTION TO EXCLUDE DEFENDANT'S PROPOSED EXPERT OPINIONS
OF PATRICIA W. CHADWICK AND DR. MICHAEL F. KOEHN**

PETER H. LEVAN, JR. declares under the penalty of perjury pursuant to 28 U.S.C. § 1476:

1. I am a partner with the law firm Kessler Topaz Meltzer & Check, LLP, lead class counsel for plaintiffs in this action. I respectfully submit this declaration in support of Plaintiffs' Memorandum of Law in Support of Their Motion to Exclude Defendant's Proposed Expert Opinions of Patricia W. Chadwick and Dr. Michael F. Koehn ("Plaintiffs' Memorandum").

2. The purpose of this declaration is to submit and identify for the Court a true and correct copy of the expert reports and deposition testimony referenced in Plaintiffs' Memorandum to be filed on September 12, 2011.

3. Attached as Exhibit A is a true and correct copy of Patricia W. Chadwick's August 13, 2010 expert report.

4. Attached as Exhibit B is a true and correct copy of Patricia W. Chadwick's September 30, 2010 rebuttal expert report.

5. Attached as Exhibit C is a true and correct copy of Dr. Michael F. Koehn's September 30, 2010 rebuttal expert report.

6. Attached as Exhibit D is a true and correct copy of excerpts from the deposition transcript of Patricia W. Chadwick dated December 10, 2010.

7. Attached as Exhibit E is a true and correct copy of excerpts from the deposition transcript of Dr. Michael F. Koehn dated December 16, 2010.

Dated: September 12, 2011

/s/ Peter H. LeVan, Jr.

Peter H. LeVan, Jr.

KESSLER TOPAZ

MELTZER & CHECK, LLP

280 King of Prussia Road

Radnor, PA 19087

610.667.7706

Lead Class Counsel